

By Senator Constantine

22-1891A-04

1                                   A bill to be entitled  
2           An act relating to education personnel;  
3           amending s. 943.0585, F.S.; providing for the  
4           expunging of criminal history records of  
5           applicants for employment at certain schools;  
6           amending s. 943.059, F.S.; providing an  
7           exception to sealed records provisions for  
8           applicants for employment at certain schools;  
9           amending s. 1004.04, F.S.; revising certain  
10          criteria for admission to approved teacher  
11          preparation programs; creating the Quest to  
12          Teach Program; amending s. 1012.05, F.S.;  
13          requiring guidelines for teacher mentors;  
14          requiring electronic access to professional  
15          resources for teachers; creating an Education  
16          Appreciation Week; amending s. 1012.35, F.S.;  
17          providing employment and training requirements  
18          for substitute teachers; amending s. 1012.39,  
19          F.S.; providing employment criteria for  
20          substitute teachers; amending s. 1012.55, F.S.;  
21          requiring certain teacher certification  
22          information to be in the Course Code Directory;  
23          amending s. 1012.56, F.S.; authorizing the  
24          filing of an affidavit with the application for  
25          a certificate; creating s. 1012.561, F.S.;  
26          requiring certified educators and applicants  
27          for certification to maintain a current address  
28          with the Department of Education; creating s.  
29          1012.576, F.S.; creating the College Graduates  
30          to Classroom Teachers Alternative Certification  
31          program; amending s. 1012.585, F.S.; requiring

1 training in the teaching of reading for  
2 certified personnel who teach students who have  
3 limited English proficiency; amending s.  
4 1012.79, F.S.; reducing the membership of  
5 Education Practice Commission review panels;  
6 amending s. 1012.795, F.S.; increasing the  
7 discipline options available to the Education  
8 Practices Commission; amending s. 1012.796,  
9 F.S.; revising the procedures for investigating  
10 complaints against certified personnel;  
11 providing the conditions of probation; amending  
12 s. 1012.798, F.S.; revising procedures for  
13 accessing the recovery network program;  
14 providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Subsection (4) of section 943.0585, Florida  
19 Statutes, is amended to read:

20 943.0585 Court-ordered expunction of criminal history  
21 records.--The courts of this state have jurisdiction over  
22 their own procedures, including the maintenance, expunction,  
23 and correction of judicial records containing criminal history  
24 information to the extent such procedures are not inconsistent  
25 with the conditions, responsibilities, and duties established  
26 by this section. Any court of competent jurisdiction may order  
27 a criminal justice agency to expunge the criminal history  
28 record of a minor or an adult who complies with the  
29 requirements of this section. The court shall not order a  
30 criminal justice agency to expunge a criminal history record  
31 until the person seeking to expunge a criminal history record

1 has applied for and received a certificate of eligibility for  
2 expunction pursuant to subsection (2). A criminal history  
3 record that relates to a violation of s. 787.025, chapter 794,  
4 s. 796.03, s. 800.04, s. 817.034, s. 825.1025, s. 827.071,  
5 chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.  
6 893.135, or a violation enumerated in s. 907.041 may not be  
7 expunged, without regard to whether adjudication was withheld,  
8 if the defendant was found guilty of or pled guilty or nolo  
9 contendere to the offense, or if the defendant, as a minor,  
10 was found to have committed, or pled guilty or nolo contendere  
11 to committing, the offense as a delinquent act. The court may  
12 only order expunction of a criminal history record pertaining  
13 to one arrest or one incident of alleged criminal activity,  
14 except as provided in this section. The court may, at its sole  
15 discretion, order the expunction of a criminal history record  
16 pertaining to more than one arrest if the additional arrests  
17 directly relate to the original arrest. If the court intends  
18 to order the expunction of records pertaining to such  
19 additional arrests, such intent must be specified in the  
20 order. A criminal justice agency may not expunge any record  
21 pertaining to such additional arrests if the order to expunge  
22 does not articulate the intention of the court to expunge a  
23 record pertaining to more than one arrest. This section does  
24 not prevent the court from ordering the expunction of only a  
25 portion of a criminal history record pertaining to one arrest  
26 or one incident of alleged criminal activity. Notwithstanding  
27 any law to the contrary, a criminal justice agency may comply  
28 with laws, court orders, and official requests of other  
29 jurisdictions relating to expunction, correction, or  
30 confidential handling of criminal history records or  
31 information derived therefrom. This section does not confer

1 any right to the expunction of any criminal history record,  
2 and any request for expunction of a criminal history record  
3 may be denied at the sole discretion of the court.

4 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any  
5 criminal history record of a minor or an adult which is  
6 ordered expunged by a court of competent jurisdiction pursuant  
7 to this section must be physically destroyed or obliterated by  
8 any criminal justice agency having custody of such record;  
9 except that any criminal history record in the custody of the  
10 department must be retained in all cases. A criminal history  
11 record ordered expunged that is retained by the department is  
12 confidential and exempt from the provisions of s. 119.07(1)  
13 and s. 24(a), Art. I of the State Constitution and not  
14 available to any person or entity except upon order of a court  
15 of competent jurisdiction. A criminal justice agency may  
16 retain a notation indicating compliance with an order to  
17 expunge.

18 (a) The person who is the subject of a criminal  
19 history record that is expunged under this section or under  
20 other provisions of law, including former s. 893.14, former s.  
21 901.33, and former s. 943.058, may lawfully deny or fail to  
22 acknowledge the arrests covered by the expunged record, except  
23 when the subject of the record:

- 24 1. Is a candidate for employment with a criminal  
25 justice agency;
- 26 2. Is a defendant in a criminal prosecution;
- 27 3. Concurrently or subsequently petitions for relief  
28 under this section or s. 943.059;
- 29 4. Is a candidate for admission to The Florida Bar;
- 30 5. Is seeking to be employed or licensed by or to  
31 contract with the Department of Children and Family Services

1 or the Department of Juvenile Justice or to be employed or  
2 used by such contractor or licensee in a sensitive position  
3 having direct contact with children, the developmentally  
4 disabled, the aged, or the elderly as provided in s.  
5 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.  
6 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.  
7 985.407, or chapter 400; or

8 6. Is seeking to be employed or licensed by ~~the Office~~  
9 ~~of Teacher Education, Certification, Staff Development, and~~  
10 ~~Professional Practices~~ of the Department of Education, any  
11 district school board, any university laboratory school, any  
12 charter school, any private or parochial school, or any local  
13 governmental entity that licenses child care facilities.

14 (b) Subject to the exceptions in paragraph (a), a  
15 person who has been granted an expunction under this section,  
16 former s. 893.14, former s. 901.33, or former s. 943.058 may  
17 not be held under any provision of law of this state to commit  
18 perjury or to be otherwise liable for giving a false statement  
19 by reason of such person's failure to recite or acknowledge an  
20 expunged criminal history record.

21 (c) Information relating to the existence of an  
22 expunged criminal history record which is provided in  
23 accordance with paragraph (a) is confidential and exempt from  
24 the provisions of s. 119.07(1) and s. 24(a), Art. I of the  
25 State Constitution, except that the department shall disclose  
26 the existence of a criminal history record ordered expunged to  
27 the entities set forth in subparagraphs (a)1., 4., 5., and 6.  
28 for their respective licensing and employment purposes, and to  
29 criminal justice agencies for their respective criminal  
30 justice purposes. It is unlawful for any employee of an entity  
31 set forth in subparagraph (a)1., subparagraph (a)4.,

1 subparagraph (a)5., or subparagraph (a)6. to disclose  
2 information relating to the existence of an expunged criminal  
3 history record of a person seeking employment or licensure  
4 with such entity or contractor, except to the person to whom  
5 the criminal history record relates or to persons having  
6 direct responsibility for employment or licensure decisions.  
7 Any person who violates this paragraph commits a misdemeanor  
8 of the first degree, punishable as provided in s. 775.082 or  
9 s. 775.083.

10 Section 2. Subsection (4) of section 943.059, Florida  
11 Statutes, is amended to read:

12 943.059 Court-ordered sealing of criminal history  
13 records.--The courts of this state shall continue to have  
14 jurisdiction over their own procedures, including the  
15 maintenance, sealing, and correction of judicial records  
16 containing criminal history information to the extent such  
17 procedures are not inconsistent with the conditions,  
18 responsibilities, and duties established by this section. Any  
19 court of competent jurisdiction may order a criminal justice  
20 agency to seal the criminal history record of a minor or an  
21 adult who complies with the requirements of this section. The  
22 court shall not order a criminal justice agency to seal a  
23 criminal history record until the person seeking to seal a  
24 criminal history record has applied for and received a  
25 certificate of eligibility for sealing pursuant to subsection  
26 (2). A criminal history record that relates to a violation of  
27 s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 817.034, s.  
28 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135,  
29 s. 847.0145, s. 893.135, or a violation enumerated in s.  
30 907.041 may not be sealed, without regard to whether  
31 adjudication was withheld, if the defendant was found guilty

1 of or pled guilty or nolo contendere to the offense, or if the  
2 defendant, as a minor, was found to have committed or pled  
3 guilty or nolo contendere to committing the offense as a  
4 delinquent act. The court may only order sealing of a criminal  
5 history record pertaining to one arrest or one incident of  
6 alleged criminal activity, except as provided in this section.  
7 The court may, at its sole discretion, order the sealing of a  
8 criminal history record pertaining to more than one arrest if  
9 the additional arrests directly relate to the original arrest.  
10 If the court intends to order the sealing of records  
11 pertaining to such additional arrests, such intent must be  
12 specified in the order. A criminal justice agency may not seal  
13 any record pertaining to such additional arrests if the order  
14 to seal does not articulate the intention of the court to seal  
15 records pertaining to more than one arrest. This section does  
16 not prevent the court from ordering the sealing of only a  
17 portion of a criminal history record pertaining to one arrest  
18 or one incident of alleged criminal activity. Notwithstanding  
19 any law to the contrary, a criminal justice agency may comply  
20 with laws, court orders, and official requests of other  
21 jurisdictions relating to sealing, correction, or confidential  
22 handling of criminal history records or information derived  
23 therefrom. This section does not confer any right to the  
24 sealing of any criminal history record, and any request for  
25 sealing a criminal history record may be denied at the sole  
26 discretion of the court.

27 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A  
28 criminal history record of a minor or an adult which is  
29 ordered sealed by a court of competent jurisdiction pursuant  
30 to this section is confidential and exempt from the provisions  
31 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution

1 and is available only to the person who is the subject of the  
2 record, to the subject's attorney, to criminal justice  
3 agencies for their respective criminal justice purposes, or to  
4 those entities set forth in subparagraphs (a)1., 4., 5., and  
5 6. for their respective licensing and employment purposes.

6 (a) The subject of a criminal history record sealed  
7 under this section or under other provisions of law, including  
8 former s. 893.14, former s. 901.33, and former s. 943.058, may  
9 lawfully deny or fail to acknowledge the arrests covered by  
10 the sealed record, except when the subject of the record:

11 1. Is a candidate for employment with a criminal  
12 justice agency;

13 2. Is a defendant in a criminal prosecution;

14 3. Concurrently or subsequently petitions for relief  
15 under this section or s. 943.0585;

16 4. Is a candidate for admission to The Florida Bar;

17 5. Is seeking to be employed or licensed by or to  
18 contract with the Department of Children and Family Services  
19 or the Department of Juvenile Justice or to be employed or  
20 used by such contractor or licensee in a sensitive position  
21 having direct contact with children, the developmentally  
22 disabled, the aged, or the elderly as provided in s.

23 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.  
24 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.  
25 415.103, s. 985.407, or chapter 400; or

26 6. Is seeking to be employed or licensed by ~~the Office~~  
27 ~~of Teacher Education, Certification, Staff Development, and~~  
28 ~~Professional Practices~~ of the Department of Education, any  
29 district school board, any university laboratory school, any  
30 charter school, any private or parochial school, or any local  
31 governmental entity that ~~which~~ licenses child care facilities.

1           (b) Subject to the exceptions in paragraph (a), a  
2 person who has been granted a sealing under this section,  
3 former s. 893.14, former s. 901.33, or former s. 943.058 may  
4 not be held under any provision of law of this state to commit  
5 perjury or to be otherwise liable for giving a false statement  
6 by reason of such person's failure to recite or acknowledge a  
7 sealed criminal history record.

8           (c) Information relating to the existence of a sealed  
9 criminal record provided in accordance with the provisions of  
10 paragraph (a) is confidential and exempt from the provisions  
11 of s. 119.07(1) and s. 24(a), Art. I of the State  
12 Constitution, except that the department shall disclose the  
13 sealed criminal history record to the entities set forth in  
14 subparagraphs (a)1., 4., 5., and 6. for their respective  
15 licensing and employment purposes. It is unlawful for any  
16 employee of an entity set forth in subparagraph (a)1.,  
17 subparagraph (a)4., subparagraph (a)5., or subparagraph (a)6.  
18 to disclose information relating to the existence of a sealed  
19 criminal history record of a person seeking employment or  
20 licensure with such entity or contractor, except to the person  
21 to whom the criminal history record relates or to persons  
22 having direct responsibility for employment or licensure  
23 decisions. Any person who violates the provisions of this  
24 paragraph commits a misdemeanor of the first degree,  
25 punishable as provided in s. 775.082 or s. 775.083.

26           Section 3. Subsection (4) of section 1004.04, Florida  
27 Statutes, is amended, present subsection (12) of that section  
28 is redesignated as subsection (13), and a new subsection (12)  
29 is added to that section, to read:

30           1004.04 Public accountability and state approval for  
31 teacher preparation programs.--

1           (4) INITIAL STATE PROGRAM APPROVAL.--

2           (a) A program approval process based on standards  
3 adopted pursuant to subsections (2) and (3) must be  
4 established for postsecondary teacher preparation programs,  
5 phased in according to timelines determined by the Department  
6 of Education, and fully implemented for all teacher  
7 preparation programs in the state. Each program shall be  
8 approved by the department, consistent with the intent set  
9 forth in subsection (1) and based primarily upon significant,  
10 objective, and quantifiable graduate performance measures.

11           (b) Each teacher preparation program approved by the  
12 Department of Education, as provided for by this section,  
13 shall require students to meet the following as prerequisites  
14 for admission into the program:

15           1. Have a grade point average of at least 2.5 on a 4.0  
16 scale for the general education component of undergraduate  
17 studies or have completed the requirements for a baccalaureate  
18 degree with a minimum grade point average of 2.5 on a 4.0  
19 scale from any college or university accredited by a regional  
20 accrediting association as defined by State Board of Education  
21 rule or any college or university otherwise approved pursuant  
22 to State Board of Education rule.

23           2. Demonstrate mastery of general knowledge, including  
24 the ability to read, write, and compute, by passing the  
25 General Knowledge Test of the Florida Teacher Certification  
26 Examination, the College Level Academic Skills Test, a  
27 corresponding component of the National Teachers Examination  
28 series, or a similar test pursuant to rules of the State Board  
29 of Education.

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1 Each teacher preparation program may waive these admissions  
2 requirements for up to 10 percent of the students admitted.  
3 Programs shall implement strategies to ensure that students  
4 admitted under a waiver receive assistance to demonstrate  
5 competencies to successfully meet requirements for  
6 certification.

7       (12) Quest to Teach program.--Postsecondary  
8 institutions offering teacher preparation programs and  
9 community colleges, in collaboration with school districts,  
10 may develop and implement a Quest to Teach program. The  
11 program shall provide to individuals with baccalaureate  
12 degrees who are interested in the teaching profession  
13 short-term field experiences as teacher assistants, prior to  
14 beginning a teacher preparation or alternative certification  
15 program. This experience may be accepted for use in teacher  
16 preparation and competency-based alternative certification  
17 programs, if applicable.

18       Section 4. Section 1012.05, Florida Statutes, is  
19 amended to read:

20       1012.05 Teacher recruitment and retention.--

21       (1) The Department of Education, in cooperation with  
22 teacher organizations, district personnel offices, and  
23 schools, colleges, and departments of all public and nonpublic  
24 postsecondary educational institutions, shall concentrate on  
25 the recruitment and retention of qualified teachers.

26       (2) The Department of Education shall:

27       (a) Develop and implement a system for posting  
28 teaching vacancies and establish a database of teacher  
29 applicants that is accessible within and outside the state.

30       (b) Advertise in major newspapers, national  
31 professional publications, and other professional publications

- 1 and in public and nonpublic postsecondary educational  
2 institutions.
- 3 (c) Utilize state and nationwide toll-free numbers.
- 4 (d) Conduct periodic communications with district  
5 personnel directors regarding applicants.
- 6 (e) Provide district access to the applicant database  
7 by computer or telephone.
- 8 (f) Develop and distribute promotional materials  
9 related to teaching as a career.
- 10 (g) Publish and distribute information pertaining to  
11 employment opportunities, application procedures, and all  
12 routes toward teacher certification in Florida, and teacher  
13 salaries.
- 14 (h) Provide information related to certification  
15 procedures.
- 16 (i) Develop and sponsor the Florida Future Educator of  
17 America Program throughout the state.
- 18 (j) Develop, in consultation with school district  
19 staff including, but not limited to, district school  
20 superintendents, district school board members, and district  
21 human resources personnel, a long-range plan for educator  
22 recruitment and retention.
- 23 (k) Identify best practices for retaining high-quality  
24 teachers.
- 25 (l) Develop, in consultation with Workforce Florida,  
26 Inc., and the Agency for Workforce Innovation, created  
27 pursuant to ss. 445.004 and 20.50, respectively, a plan for  
28 accessing and identifying available resources in the state's  
29 workforce system for the purpose of enhancing teacher  
30 recruitment and retention.
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1           (m) Create guidelines and identify best practices for  
2 the mentors of first-time teachers and for new teacher-support  
3 programs that focus on the professional assistance needed by  
4 first-time teachers throughout the first year of teaching. The  
5 department shall consult with the Florida Center for Reading  
6 Research and the Just Read, Florida! Office in developing the  
7 guidelines.

8           ~~(n)(m)~~ Develop and implement a First Response Center  
9 to provide educator candidates one-stop shopping for  
10 information on teaching careers in Florida and establish the  
11 Teacher Lifeline Network to provide online support to  
12 beginning teachers and those needing assistance.

13           (o) Develop and implement an online Teacher Toolkit  
14 that contains a menu of resources, based on the Sunshine State  
15 Standards, that all teachers can use to enhance classroom  
16 instruction and increase teacher effectiveness, thus resulting  
17 in improved student achievement.

18           (p) Establish a week designated as Educator  
19 Appreciation Week to recognize the significant contributions  
20 made by educators to their students and school communities.

21           (3) Each school board shall adopt policies relating to  
22 mentors and support for first-time teachers based upon  
23 guidelines issued by the Department of Education.

24           ~~(4)(3)~~ The Department of Education, in cooperation  
25 with district personnel offices, shall sponsor a job fair in a  
26 central part of the state to match in-state educators and  
27 potential educators and out-of-state educators and potential  
28 educators with teaching opportunities in this state.

29           ~~(5)(4)~~ Subject to proviso in the General  
30 Appropriations Act, the Commissioner of Education may use  
31 funds appropriated by the Legislature and funds from federal

1 grants and other sources to provide incentives for teacher  
2 recruitment and preparation programs. The purpose of the use  
3 of such funds is to recruit and prepare individuals who do not  
4 graduate from state-approved teacher preparation programs to  
5 teach in a Florida public school. The commissioner may  
6 contract with entities other than, and including, approved  
7 teacher preparation programs to provide intensive teacher  
8 training leading to passage of the required certification  
9 exams for the desired subject area or coverage. The  
10 commissioner shall survey school districts to evaluate the  
11 effectiveness of such programs.

12 Section 5. Section 1012.35, Florida Statutes, is  
13 amended to read:

14 1012.35 Substitute teachers.--

15 (1) Each district school board shall adopt rules  
16 prescribing the compensation of, and the procedure for  
17 employment of, substitute teachers.

18 (a) The ~~Such~~ procedure for employment must ~~shall~~  
19 include, but is not limited to, the filing of a complete set  
20 of fingerprints as required in s. 1012.32; documentation of a  
21 minimum education level of a high school diploma or  
22 equivalent; and completion of an initial orientation and  
23 training program in district policies and procedures  
24 addressing school safety and security procedures, educational  
25 liability laws, professional responsibilities, and ethics.

26 (b) Candidates who have no prior teaching experience,  
27 as determined by the employing school district, must complete  
28 an additional training program that includes classroom  
29 management skills and instructional strategies.

30 (c) The required training programs for substitute  
31 teachers may be provided by community colleges, colleges of

1 education, district school boards, educational consortia, or  
2 commercial vendors.

3 (d) It is recommended that ongoing training and access  
4 to professional development offerings be made available to  
5 substitute teachers by the employing district.

6 (2) The Department of Education shall develop  
7 web-based resources to enhance district substitute orientation  
8 programs.

9 (3) Districts shall develop performance appraisal  
10 measures for assessing the quality of instruction delivered by  
11 substitutes who provide instruction for 30 or more days in a  
12 single classroom placement.

13 Section 6. Paragraph (a) of subsection (1) of section  
14 1012.39, Florida Statutes, is amended to read:

15 1012.39 Employment of substitute teachers, teachers of  
16 adult education, nondegreed teachers of career education, and  
17 career specialists; students performing clinical field  
18 experience.--

19 (1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and  
20 1012.57, or any other provision of law or rule to the  
21 contrary, each district school board shall establish the  
22 minimal qualifications for:

23 (a) Substitute teachers to be employed pursuant to s.  
24 1012.35. The qualifications shall require the filing of a  
25 complete set of fingerprints in the same manner as required by  
26 s. 1012.32; documentation of a minimum education level of a  
27 high school diploma or equivalent; and completion of an  
28 initial orientation and training program in district policies  
29 and procedures addressing school safety and security  
30 procedures, educational liability laws, professional  
31 responsibilities, and ethics.

1           Section 7. Subsection (1) of section 1012.55, Florida  
2 Statutes, is amended to read:

3           1012.55 Positions for which certificates required.--

4           (1) The State Board of Education shall classify school  
5 services, designate the certification subject areas, establish  
6 competencies, including the use of technology to enhance  
7 student learning, and certification requirements for all  
8 school-based personnel, and adopt rules in accordance with  
9 which the professional, temporary, and part-time certificates  
10 shall be issued by the Department of Education to applicants  
11 who meet the standards prescribed by such rules for their  
12 class of service. Each person employed or occupying a position  
13 as school supervisor, school principal, teacher, library media  
14 specialist, school counselor, athletic coach, or other  
15 position in which the employee serves in an instructional  
16 capacity, in any public school of any district of this state  
17 shall hold the certificate required by law and by rules of the  
18 State Board of Education in fulfilling the requirements of the  
19 law for the type of service rendered. The Department of  
20 Education shall annually publish a directory of course code  
21 numbers for all programs and courses that are funded through  
22 the Florida Education Finance Program. The directory must  
23 identify appropriate certification for specific courses.

24 However, the state board shall adopt rules authorizing  
25 district school boards to employ selected noncertificated  
26 personnel to provide instructional services in the  
27 individuals' fields of specialty or to assist instructional  
28 staff members as education paraprofessionals.

29           Section 8. Subsections (2), (3), (4), and (5) of  
30 section 1012.56, Florida Statutes, are amended to read:

31           1012.56 Educator certification requirements.--

1           (2) ELIGIBILITY CRITERIA.--To be eligible to seek  
2 certification, a person must:

3           (a) Be at least 18 years of age.

4           (b) File an affidavit ~~a written statement~~, under oath,  
5 that the applicant subscribes to and will uphold the  
6 principles incorporated in the Constitution of the United  
7 States and the Constitution of the State of Florida and the  
8 information provided in the application is true, accurate, and  
9 complete. The affidavit shall include substantially the  
10 following warning: GIVING FALSE INFORMATION IN ORDER TO OBTAIN  
11 OR RENEW A FLORIDA EDUCATOR'S CERTIFICATE IS A CRIMINAL  
12 OFFENSE UNDER FLORIDA LAW. ANYONE GIVING FALSE INFORMATION ON  
13 THE AFFIDAVIT IS SUBJECT TO CRIMINAL PROSECUTION, AS WELL AS  
14 DISCIPLINARY ACTION BY THE EDUCATION PRACTICES COMMISSION.

15           (c) Document receipt of a bachelor's or higher degree  
16 from an accredited institution of higher learning, or a  
17 nonaccredited institution of higher learning that the  
18 Department of Education has identified as having a quality  
19 program resulting in a bachelor's degree, or higher. Each  
20 applicant seeking initial certification must have attained at  
21 least a 2.5 overall grade point average on a 4.0 scale in the  
22 applicant's major field of study. The applicant may document  
23 the required education by submitting official transcripts from  
24 institutions of higher education or by authorizing the direct  
25 submission of such official transcripts through established  
26 electronic network systems. The bachelor's or higher degree  
27 may not be required in areas approved in rule by the State  
28 Board of Education as nondegreed areas.

29           (d) Submit to a fingerprint check from the Department  
30 of Law Enforcement and the Federal Bureau of Investigation  
31 pursuant to s. 1012.32. If the fingerprint reports indicate a

1 criminal history or if the applicant acknowledges a criminal  
2 history, the applicant's records shall be referred to the  
3 investigative section in the Department of Education ~~Bureau of~~  
4 ~~Educator Standards~~ for review and determination of eligibility  
5 for certification. If the applicant fails to provide the  
6 necessary documentation requested by the department ~~Bureau of~~  
7 ~~Educator Standards~~ within 90 days after the date of the  
8 receipt of the certified mail request, the statement of  
9 eligibility and pending application shall become invalid.

10 (e) Be of good moral character.

11 (f) Be competent and capable of performing the duties,  
12 functions, and responsibilities of an educator.

13 (g) Demonstrate mastery of general knowledge, pursuant  
14 to subsection (3).

15 (h) Demonstrate mastery of subject area knowledge,  
16 pursuant to subsection (4).

17 (i) Demonstrate mastery of professional preparation  
18 and education competence, pursuant to subsection (5).

19 (3) MASTERY OF GENERAL KNOWLEDGE.--Acceptable means of  
20 demonstrating mastery of general knowledge are:

21 (a) Achievement of passing scores on basic skills  
22 examination required by state board rule;

23 (b) Achievement of passing scores on the College Level  
24 Academic Skills Test earned prior to July 1, 2002;

25 (c) A valid professional standard teaching certificate  
26 issued by another state;

27 (d) A valid certificate issued by the National Board  
28 for Professional Teaching Standards or a national educator  
29 credentialing board approved by the State Board of Education;

30 or

31

1           (e) Documentation of two semesters of successful  
2 teaching in a community college, state university, or private  
3 college or university that awards an associate or higher  
4 degree and is an accredited institution or an institution of  
5 higher education identified by the Department of Education as  
6 having a quality program.

7           (4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable  
8 means of demonstrating mastery of subject area knowledge are:

9           (a) Achievement of passing scores on subject area  
10 examinations required by state board rule;

11           (b) Completion of the subject area specialization  
12 requirements specified in state board rule and verification of  
13 the attainment of the essential subject matter competencies by  
14 the district school superintendent of the employing school  
15 district or chief administrative officer of the employing  
16 state-supported or private school for a subject area for which  
17 a subject area examination has not been developed and required  
18 by state board rule;

19           (c) Completion of the subject area specialization  
20 requirements specified in state board rule for a subject  
21 coverage requiring a master's or higher degree and achievement  
22 of a passing score on the subject area examination specified  
23 in state board rule;

24           (d) A valid professional standard teaching certificate  
25 issued by another state; or

26           (e) A valid certificate issued by the National Board  
27 for Professional Teaching Standards or a national educator  
28 credentialing board approved by the State Board of Education.

29           (5) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION  
30 COMPETENCE.--Acceptable means of demonstrating mastery of  
31 professional preparation and education competence are:

1 (a) Completion of an approved teacher preparation  
2 program at a postsecondary educational institution within this  
3 state and achievement of a passing score on the professional  
4 education competency examination required by state board rule;

5 (b) Completion of a teacher preparation program at a  
6 postsecondary educational institution outside Florida and  
7 achievement of a passing score on the professional education  
8 competency examination required by state board rule;

9 (c) A valid professional standard teaching certificate  
10 issued by another state;

11 (d) A valid certificate issued by the National Board  
12 for Professional Teaching Standards or a national educator  
13 credentialing board approved by the State Board of Education;

14 (e) Documentation of two semesters of successful  
15 teaching in a community college, state university, or private  
16 college or university that awards an associate or higher  
17 degree and is an accredited institution or an institution of  
18 higher education identified by the Department of Education as  
19 having a quality program;

20 (f) Completion of professional preparation courses as  
21 specified in state board rule, successful completion of a  
22 professional education competence demonstration program  
23 pursuant to paragraph (7)(b), and achievement of a passing  
24 score on the professional education competency examination  
25 required by state board rule; or

26 (g) Successful completion of a professional  
27 preparation alternative certification and education competency  
28 program, outlined in paragraph (7)(a).

29 Section 9. Section 1012.561, Florida Statutes, is  
30 created to read:

31

1           1012.561 Address of record.--Each certified educator  
2 or applicant for certification is solely responsible for  
3 maintaining his or her current address with the Department of  
4 Education and for notifying the department in writing of a  
5 change of address. By January 1, 2005, each educator and  
6 applicant for certification must have on file with the  
7 department a current mailing address. Thereafter, a certified  
8 educator or applicant for certification who is employed by a  
9 district school board shall notify his or her employing school  
10 district within 10 days after a change of address. At a  
11 minimum, the employing district school board shall notify the  
12 department monthly of the addresses of the certified educators  
13 or applicants for certification in the manner prescribed by  
14 the department. A certified educator or applicant for  
15 certification who is not employed by a district school board  
16 shall personally notify the department in writing within 30  
17 days after a change of address. The department shall permit  
18 electronic notification; however, it is the responsibility of  
19 the certified educator or applicant for certification to  
20 ensure that the department has received the electronic  
21 notification.

22           Section 10. Section 1012.576, Florida Statutes, is  
23 created to read:

24           1012.576 College Graduates to Classroom Teachers  
25 Alternative Certification program.--

26           (1) The College Graduates to Classroom Teachers  
27 Alternative Certification program is created to increase the  
28 routes to the classroom for mid-career professionals who hold  
29 a baccalaureate degree and for recent college graduates who  
30 were not education majors. Providers of this program may  
31 include colleges and universities that offer approved teacher

1 preparation programs and community colleges. Program providers  
2 must submit proposed alternative certification programs to the  
3 Commissioner of Education for approval. The Commissioner of  
4 Education shall develop guidelines for receiving, evaluating,  
5 and approving the proposals. Programs must be competency-based  
6 and must:

7 (a) Prepare individuals to pass all of the  
8 examinations (general knowledge, subject area, and  
9 professional education) required for a professional teaching  
10 certificate;

11 (b) Provide opportunities and methods for assessing  
12 demonstration of the educator accomplished practices;

13 (c) Provide field experiences with supervision from  
14 qualified educators; and

15 (d) Prepare individuals to deliver scientifically  
16 based reading instruction and to employ strategies that  
17 research has shown to be successful in improving reading among  
18 low-performance readers.

19 (2) The Commissioner of Education shall require an  
20 evaluation of approved alternative certification programs to  
21 ensure the quality of the teachers who have completed the  
22 College Graduates to Classroom Teachers Alternative  
23 Certification program. The Commissioner of Education shall  
24 establish standards of accountability for the program, which  
25 must include, but need not be limited to, the following  
26 outcome measures: pass rates of program completers on required  
27 teacher certification examinations, employment rates, and  
28 employer satisfaction survey data.

29 Section 11. Paragraph (d) of subsection (3) of section  
30 1012.585, Florida Statutes, is amended to read:

31

1           1012.585 Process for renewal of professional  
2 certificates.--

3           (3) For the renewal of a professional certificate, the  
4 following requirements must be met:

5           (d) The State Board of Education shall adopt rules for  
6 the expanded use of training for renewal of the professional  
7 certificate for educators who are required to complete  
8 training in teaching students of limited English proficiency  
9 and training in the teaching of reading as follows:

10           1. A teacher who holds a professional certificate may  
11 use college credits or inservice points completed in  
12 English-for-Speakers-of-Other-Languages training and training  
13 in the teaching of reading in excess of 6 semester hours  
14 during one certificate-validity period toward renewal of the  
15 professional certificate during the subsequent validity  
16 periods.

17           2. A teacher who holds a temporary certificate may use  
18 college credits or inservice points completed in  
19 English-for-Speakers-of-Other-Languages training and training  
20 in the teaching of reading toward renewal of the teacher's  
21 first professional certificate. Such training must not have  
22 been included within the degree program, and the teacher's  
23 temporary and professional certificates must be issued for  
24 consecutive school years.

25           Section 12. Subsection (8) of section 1012.79, Florida  
26 Statutes, is amended to read:

27           1012.79 Education Practices Commission;  
28 organization.--

29           (8)(a) The commission shall, from time to time,  
30 designate members of the commission to serve on panels for the  
31 purpose of reviewing and issuing final orders upon cases

1 presented to the commission. A case concerning a complaint  
2 against a teacher shall be reviewed and a final order thereon  
3 shall be entered by a panel composed of five ~~seven~~ commission  
4 members, three ~~four~~ of whom shall be teachers. A case  
5 concerning a complaint against an administrator shall be  
6 reviewed and a final order thereon shall be entered by a panel  
7 composed of five ~~seven~~ commission members, three ~~four~~ of whom  
8 shall be administrators.

9 (b) A majority of a quorum of a panel of the  
10 commission shall have final agency authority in all cases  
11 involving the revocation, suspension, or other disciplining of  
12 certificates of teachers and school administrators. A majority  
13 of the membership of the panel shall constitute a quorum. The  
14 district school board shall retain the authority to discipline  
15 teachers and administrators pursuant to law.

16 Section 13. Subsections (1) and (6) of section  
17 1012.795, Florida Statutes, are amended to read:

18 1012.795 Education Practices Commission; authority to  
19 discipline.--

20 (1) The Education Practices Commission may suspend the  
21 educator certificate of any person as defined in s. 1012.01(2)  
22 or (3) for a period of time not to exceed 5 ~~3~~ years, thereby  
23 denying that person the right to teach or otherwise be  
24 employed by a district school board or public school in any  
25 capacity requiring direct contact with students for that  
26 period of time, after which the holder may return to teaching  
27 as provided in subsection (4); may revoke the educator  
28 certificate of any person, thereby denying that person the  
29 right to teach or otherwise be employed by a district school  
30 board or public school in any capacity requiring direct  
31 contact with students for a period of time not to exceed 10

1 years, with reinstatement subject to the provisions of  
2 subsection (4); may revoke permanently the educator  
3 certificate of any person thereby denying that person the  
4 right to teach or otherwise be employed by a district school  
5 board or public school in any capacity requiring direct  
6 contact with students; may suspend the educator certificate,  
7 upon order of the court, of any person found to have a  
8 delinquent child support obligation; or may impose any other  
9 penalty provided by law, provided it can be shown that the  
10 person:

11 (a) Obtained or attempted to obtain an ~~the~~ educator  
12 certificate by fraudulent means.

13 (b) Has proved to be incompetent to teach or to  
14 perform duties as an employee of the public school system or  
15 to teach in or to operate a private school.

16 (c) Has been guilty of gross immorality or an act  
17 involving moral turpitude.

18 (d) Has had an educator certificate sanctioned by  
19 revocation, suspension, or surrender ~~revoked~~ in another state.

20 (e) Has been convicted of a misdemeanor, felony, or  
21 any other criminal charge, other than a minor traffic  
22 violation.

23 (f) Upon investigation, has been found guilty of  
24 personal conduct which seriously reduces that person's  
25 effectiveness as an employee of the district school board.

26 (g) Has breached a contract, as provided in s.  
27 1012.33(2).

28 (h) Has been the subject of a court order directing  
29 the Education Practices Commission to suspend the certificate  
30 as a result of a delinquent child support obligation.  
31

1 (i) Has violated the Principles of Professional  
2 Conduct for the Education Profession prescribed by State Board  
3 of Education rules.

4 (j) Has otherwise violated the provisions of law, the  
5 penalty for which is the revocation of the educator  
6 certificate.

7 (k) Has violated any order of the Education Practices  
8 Commission.

9 (l) Has been the subject of a court order or plea  
10 agreement in any jurisdiction which requires the  
11 certificateholder to surrender or otherwise relinquish his or  
12 her educator's certificate. A surrender or relinquishment  
13 shall be for permanent revocation of the certificate. A person  
14 may not surrender or otherwise relinquish his or her  
15 certificate prior to a finding of probable cause by the  
16 commissioner as provided in s. 1012.796.

17 (6)(a) When an individual violates any provision of  
18 ~~the provisions of a settlement agreement enforced by a final~~  
19 ~~order of the Education Practices Commission, the Department of~~  
20 Education may request an order to show cause may be issued by  
21 the clerk of the commission. The order shall require the  
22 individual to appear before the commission to show cause why  
23 further penalties should not be levied against the  
24 individual's certificate pursuant to the authority provided to  
25 the Education Practices Commission in subsection (1). The  
26 department may dismiss an order to show cause before the  
27 commission enters a final order.The Education Practices  
28 Commission may fashion further penalties under the authority  
29 of subsection (1) as it deems ~~deemed~~ appropriate when it  
30 considers the show cause order ~~is responded to by the~~  
31 individual.

1           (b) The Education Practices Commission shall adopt  
2 rules requiring the issuance of ~~issue~~ a final order  
3 permanently revoking an individual's Florida educator's  
4 certificate if the individual has been the subject of  
5 sanctions by the Education Practices Commission on two  
6 previous occasions. However, an individual is not subject to  
7 this provision if the only reason for sanctions on any  
8 occasion was one or more administrative violations. For  
9 purposes of this paragraph the term "administrative violation"  
10 means the failure of the individual to submit annual  
11 performance reports or the failure to pay a probation fee as  
12 required by a final order of the Education Practices  
13 Commission. Furthermore, any sanction levied by the Education  
14 Practices Commission against an applicant for certification is  
15 not subject to this provision, if the applicant was not  
16 previously sanctioned by the Education Practices Commission.  
17 ~~for a minimum of 1 year under the following circumstances:~~  
18           1. ~~If the individual:~~  
19           a. ~~Has been found to have violated the provisions of~~  
20 ~~this section, such that the Education Practices Commission has~~  
21 ~~the authority to discipline the individual's Florida~~  
22 ~~educator's certificate on two separate occasions;~~  
23           b. ~~Has twice entered into a settlement agreement~~  
24 ~~enforced by a final order of the Education Practices~~  
25 ~~Commission; or~~  
26           c. ~~Has been found to have violated the provisions of~~  
27 ~~this section, such that the Education Practices Commission has~~  
28 ~~the authority to discipline the individual's Florida~~  
29 ~~educator's certificate on one occasion and entered into a~~  
30 ~~settlement agreement enforced by a final order of the~~  
31 ~~Education Practices Commission on one occasion; and~~

1           ~~2. A third finding of probable cause and a finding~~  
2 ~~that the allegations are proven or admitted to is subsequently~~  
3 ~~found by the Commissioner of Education.~~

4  
5 ~~If, in the third instance, the individual enters into a~~  
6 ~~settlement agreement with the Department of Education, that~~  
7 ~~agreement shall also include a penalty revoking that~~  
8 ~~individual's Florida educator's certificate for a minimum of 1~~  
9 ~~year.~~

10           Section 14. Subsections (1), (7), and (8) of section  
11 1012.796, Florida Statutes, are amended to read:

12           1012.796 Complaints against teachers and  
13 administrators; procedure; penalties.--

14           (1)(a) The Department of Education shall cause to be  
15 investigated expeditiously any complaint filed before it or  
16 otherwise called to its attention which, if legally  
17 sufficient, contains grounds for the revocation or suspension  
18 of a certificate or any other appropriate penalty as set forth  
19 in subsection (7). The complaint is legally sufficient if it  
20 contains the ultimate facts which show a violation has  
21 occurred as provided in s. 1012.795. The department may  
22 investigate or continue to investigate and take appropriate  
23 action on a complaint even though the original complainant  
24 withdraws the complaint or otherwise indicates a desire not to  
25 cause it to be investigated or prosecuted to completion. The  
26 department may investigate or continue to investigate and take  
27 action on a complaint filed against a person whose educator  
28 certificate has expired if the act or acts which are the basis  
29 for the complaint were allegedly committed while that person  
30 possessed an educator certificate.

31

1           (b) When an investigation is undertaken, the  
2 department shall notify the certificateholder or applicant for  
3 certification and the district school superintendent in the  
4 district in which the certificateholder is employed, or the  
5 university laboratory school, charter school, or private  
6 school in which the certificateholder or applicant for  
7 certification is employed or was employed at the time the  
8 alleged offense occurred. Further, the department ~~and~~ shall  
9 inform the certificateholder or applicant for certification of  
10 the substance of any complaint which has been filed against  
11 that certificateholder or applicant, unless the department  
12 determines that such notification would be detrimental to the  
13 investigation, in which case the department may withhold  
14 notification.

15           (c) Each school district shall file in writing with  
16 the department all legally sufficient complaints within 30  
17 days after the date on which subject matter of the complaint  
18 comes to the attention of the school district. The school  
19 district shall include all information relating to the  
20 complaint which is known to the school district at the time of  
21 filing. Each district school board shall develop policies and  
22 procedures to comply with this reporting requirement. The  
23 district school board policies and procedures shall include  
24 appropriate penalties for all personnel of the district school  
25 board for nonreporting and procedures for promptly informing  
26 the district school superintendent of each legally sufficient  
27 complaint. The district school superintendent is charged with  
28 knowledge of these policies and procedures. If the district  
29 school superintendent has knowledge of a legally sufficient  
30 complaint and does not report the complaint, or fails to  
31 enforce the policies and procedures of the district school

1 board, and fails to comply with the requirements of this  
2 subsection, in addition to other actions against  
3 certificateholders authorized by law, the district school  
4 superintendent shall be subject to penalties as specified in  
5 s. 1001.51(12)~~s. 1001.51(13)~~. This paragraph does not limit  
6 or restrict the power and duty of the department to  
7 investigate complaints as provided in paragraphs (a) and (b),  
8 regardless of the school district's untimely filing, or  
9 failure to file, complaints and followup reports.

10 (d) Notwithstanding any other law, all law enforcement  
11 agencies, state attorneys, social service agencies, district  
12 school boards, and the Division of Administrative Hearings  
13 shall fully cooperate with and, upon request, shall provide  
14 unredacted documents to the Department of Education to further  
15 investigations and prosecutions conducted pursuant to this  
16 section. Any document received pursuant to this paragraph may  
17 not be redisclosed except as authorized by law.

18 (7) A panel of the commission shall enter a final  
19 order either dismissing the complaint or imposing one or more  
20 of the following penalties:

21 (a) Denial of an application for a teaching  
22 certificate or for an administrative or supervisory  
23 endorsement on a teaching certificate. The denial may provide  
24 that the applicant may not reapply for certification, and that  
25 the department may refuse to consider that applicant's  
26 application, for a specified period of time or permanently.

27 (b) Revocation or suspension of a certificate.

28 (c) Imposition of an administrative fine not to exceed  
29 \$2,000 for each count or separate offense.

30 (d) Placement of the teacher, administrator, or  
31 supervisor on probation for a period of time and subject to

1 such conditions as the commission may specify, including  
2 requiring the certified teacher, administrator, or supervisor  
3 to complete additional appropriate college courses or work  
4 with another certified educator, with the administrative costs  
5 of monitoring the probation assessed to the educator placed on  
6 probation. An educator who has been placed on probation shall,  
7 at a minimum:

8 1. Immediately notify the investigative office in the  
9 Department of Education upon employment or termination of  
10 employment in the state in any public or private position  
11 requiring a Florida educator's certificate.

12 2. Have his or her immediate supervisor submit annual  
13 performance reports to the investigative officer in the  
14 Department of Education.

15 3. Pay to the commission within the first 6 months of  
16 each probation year the administrative costs of monitoring  
17 probation assessed to the educator.

18 4. Violate no law and shall fully comply with all  
19 district school board policies, school rules, and State Board  
20 of Education rules.

21 5. Satisfactorily perform his or her assigned duties  
22 in a competent, professional manner.

23 6. Bear all costs of complying with the terms of a  
24 final order entered by the commission.

25 (e) Restriction of the authorized scope of practice of  
26 the teacher, administrator, or supervisor.

27 (f) Reprimand of the teacher, administrator, or  
28 supervisor in writing, with a copy to be placed in the  
29 certification file of such person.

30 (g) Imposition of an administrative sanction, upon a  
31 person whose teaching certificate has expired, for an act or

1 acts committed while that person possessed a teaching  
2 certificate or an expired certificate subject to late renewal,  
3 which sanction bars that person from applying for a new  
4 certificate for a period of 10 years or less, or permanently.

5 (h) Refer the teacher, administer, or supervisor to  
6 the recovery network program provided in s. 1012.798 under  
7 such terms and conditions as the commission may specify.

8 (8) Violations of the provisions of a final order  
9 ~~probation~~ shall result in an order to show cause issued by the  
10 clerk of the Education Practices Commission if requested by  
11 the Department of Education. Upon failure of the educator  
12 ~~probationer~~, at the time and place stated in the order, to  
13 show cause satisfactorily to the Education Practices  
14 Commission why a penalty for violating the provisions of a  
15 final order ~~probation~~ should not be imposed, the Education  
16 Practices Commission shall impose whatever penalty is  
17 appropriate as established in s. 1012.795(6). Any probation  
18 period will be tolled when an order to show cause has been  
19 issued until the issue is resolved by the Education Practices  
20 Commission; however, the other terms and conditions of the  
21 final order shall be in full force and effect until changed by  
22 the Education Practices Commission.

23 Section 15. Subsections (1), (3), (6), and (10) of  
24 section 1012.798, Florida Statutes, are amended to read:

25 1012.798 Recovery network program for educators.--

26 (1) RECOVERY NETWORK ESTABLISHED.--There is created  
27 within the Department of Education, a recovery network program  
28 to assist educators who are impaired as a result of alcohol  
29 abuse, drug abuse, or a mental condition to obtain treatment  
30 ~~in obtaining treatment to permit their continued contribution~~  
31 ~~to the education profession.~~ Any person who has applied for

1 or holds certification issued by the department pursuant to s.  
2 1012.56 is eligible for the program ~~assistance~~. The individual  
3 may access the program voluntarily or be directed to  
4 participate through a deferred prosecution agreement with the  
5 Commissioner of Education or a final order of the Education  
6 Practices Commission pursuant to s. 1012.796.

7 (3) PURPOSE.--The recovery network program shall  
8 assist educators in obtaining treatment and services from  
9 approved treatment providers, but each impaired educator must  
10 pay for his or her treatment under terms and conditions agreed  
11 upon by the impaired educator and the treatment provider. A  
12 person who is admitted to the recovery network program must  
13 contract with the treatment provider and the program. The  
14 treatment contract must prescribe the type of treatment and  
15 the responsibilities of the impaired educator and of the  
16 provider and must provide that the impaired educator's  
17 progress will be monitored by the recovery network program.

18 (6) PARTICIPATION.--The recovery network program shall  
19 operate independently of employee assistance programs operated  
20 by local school districts, and the powers and duties of school  
21 districts to make employment decisions, including disciplinary  
22 decisions, is not affected except as provided in this section:

23 (a) A person who is not subject to investigation or  
24 proceedings under ss. 1012.795 and 1012.796 may voluntarily  
25 seek assistance through a local school district employee  
26 assistance program for which he or she is eligible and through  
27 the recovery network, regardless of action taken against him  
28 or her by a school district. Voluntarily seeking assistance  
29 alone does not subject a person to proceedings under ss.  
30 1012.795 and 1012.796.

31

1 (b) A person who is subject to investigation or  
2 proceedings under ss. 1012.795 and 1012.796 may be required to  
3 participate in the program. The program may approve a local  
4 employee assistance program as a treatment provider or as a  
5 means of securing a treatment provider. The program and the  
6 local school district shall cooperate so that the person may  
7 obtain treatment without limiting the school district's  
8 statutory powers and duties as an employer or the disciplinary  
9 procedures under ss. 1012.795 and 1012.796.

10 (c) A person may be enrolled in a treatment program by  
11 the recovery network program after an investigation pursuant  
12 to s. 1012.796 has commenced, if the person ~~A person who has~~  
13 ~~not previously been under investigation by the department may~~  
14 ~~be enrolled in a treatment program by the recovery network~~  
15 ~~after an investigation has commenced, if the person:~~

- 16 1. Acknowledges his or her impairment.
- 17 2. Agrees to evaluation, as approved by the recovery  
18 network.
- 19 3. Agrees to enroll in an appropriate treatment  
20 program approved by the recovery network.
- 21 4. Executes releases for all medical and treatment  
22 records regarding his or her impairment and participation in a  
23 treatment program to the recovery network, pursuant to 42  
24 U.S.C. s. 290dd-3 and the federal regulations adopted  
25 thereunder.
- 26 5. Enters into a deferred prosecution agreement with  
27 the commissioner, which provides that no prosecution shall be  
28 instituted concerning the matters enumerated in the agreement  
29 if the person is properly enrolled in the treatment program  
30 and successfully completes the program as certified by the  
31 recovery network. The commissioner is under no obligation to

1 enter into a deferred prosecution agreement with the educator  
2 but may do so if he or she determines that it is in the best  
3 interest of the educational program of the state, and the  
4 educator.

5 ~~a.6.~~ Has not previously entered a substance abuse  
6 program.

7 ~~b.7.~~ Is not being investigated for any action  
8 involving commission of a felony or violent act against  
9 another person.

10 ~~c.8.~~ Has not had multiple arrests for minor drug use,  
11 possession, or abuse of alcohol.

12 (10) DECLARATION OF INELIGIBILITY.--

13 (a) A person may be declared ineligible for further  
14 assistance from the recovery network program if he or she does  
15 not progress satisfactorily in a treatment program or leaves a  
16 prescribed program or course of treatment without the approval  
17 of the treatment provider.

18 (b) The determination of ineligibility must be made by  
19 ~~the commissioner in cases referred to him or her by the~~  
20 ~~program administrator or designee after review of the~~  
21 ~~circumstances of the case. Before referring a case to the~~  
22 ~~commissioner, the administrator must discuss the circumstances~~  
23 ~~with the treatment provider. The commissioner may direct the~~  
24 ~~Office of Professional Practices Services to investigate the~~  
25 ~~case and provide a report.~~

26 (c) If treatment through ~~a treatment contract~~ with the  
27 program is a condition of a deferred prosecution agreement,  
28 and the program administrator ~~commissioner~~ determines that the  
29 person is ineligible for further assistance, the commissioner  
30 may agree to modify the terms and conditions of the deferred  
31 prosecution agreement or may issue an administrative

1 complaint, pursuant to s. 1012.796, alleging the charges  
2 regarding which prosecution was deferred. The person may  
3 dispute the determination as an affirmative defense to the  
4 administrative complaint by including with his or her request  
5 for hearing on the administrative complaint a written  
6 statement setting forth the facts and circumstances that show  
7 that the determination of ineligibility was erroneous. If  
8 administrative proceedings regarding the administrative  
9 complaint, pursuant to ss. 120.569 and 120.57, result in a  
10 finding that the determination of ineligibility was erroneous,  
11 the person is eligible to participate in the program. If the  
12 determination of ineligibility was the only reason for setting  
13 aside the deferred prosecution agreement and issuing the  
14 administrative complaint and the administrative proceedings  
15 result in a finding that the determination was erroneous, the  
16 complaint shall be dismissed and the deferred prosecution  
17 agreement reinstated without prejudice to the commissioner's  
18 right to reissue the administrative complaint for other  
19 breaches of the agreement.

20 (d) If treatment through ~~a treatment contract~~ with the  
21 program is a condition of a final order of the Education  
22 Practices Commission, the program administrator's  
23 ~~commissioner's~~ determination of ineligibility constitutes a  
24 finding of ~~probable cause~~ that the person failed to comply  
25 with the final order. Pursuant to ss. 1012.795 and 1012.796,  
26 upon the request of the Department of Education, the clerk of  
27 the Education Practices Commission shall issue to the educator  
28 an order to show cause, or the Commissioner of Education may  
29 issue an administrative complaint ~~The commissioner shall issue~~  
30 ~~an administrative complaint, and the case shall proceed under~~  
31 ~~ss. 1012.795 and 1012.796,~~ in the same manner as for cases

1 based on a failure to comply with an order of the Education  
2 Practices Commission.

3 (e) If the person voluntarily entered into a treatment  
4 contract with the program, the program administrator  
5 ~~commissioner~~ shall issue a written notice stating the reasons  
6 for the determination of ineligibility. Within 20 days after  
7 the date of such notice, the person may contest the  
8 determination of ineligibility pursuant to ss. 120.569 and  
9 120.57.

10 Section 16. This act shall take effect upon becoming a  
11 law.

12 \*\*\*\*\*

13  
14 SENATE SUMMARY

15 Amends various provisions relating to education  
16 personnel. Provides for the expunging of criminal history  
17 records of applicants for employment at certain schools.  
18 Provides an exception to sealed records provisions for  
19 applicants for employment at certain schools. Revises  
20 certain criteria for admission to approved teacher  
21 preparation programs. Creates the Quest to Teach program.  
22 Requires guidelines for teacher mentors. Requires  
23 electronic access to professional resources for teachers.  
24 Creates an Education Appreciation Week. Provides  
25 employment and training requirements for substitute  
26 teachers. Provides employment criteria for substitute  
27 teachers. Requires certain teacher certification  
28 information to be in the Course Code Directory.  
29 Authorizes the filing of an affidavit with the  
30 application for a certificate. Requires certified  
31 educators and applicants for certification to maintain a  
current address with the Department of Education. Creates  
the College Graduates to Classroom Teachers Alternative  
Certification program. Requires training in the teaching  
of reading for certified personnel who teach students who  
have limited English proficiency. Reduces the membership  
of Education Practices Commission review panels.  
Increases the discipline options available to the  
Education Practices Commission. Revises the procedures  
for investigating complaints against certified personnel.  
Provides the conditions of probation. Revises procedures  
for accessing the recovery network program.